IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.875 of 2004

Between:

Smt.Rashmi Rani, W/o.Rajender Singh,
Raja Bahadur Sir Bansilal Balike Vidyalaya, Begum Bazar, Hyderabad.

...PETITIONER

AND

1. The Government of A.P., rep.by its Secretary, Finance & Planning (FW.SMPC) Department, Secretariat, Hyderabad.
2. The Secretary to Government, School Education Department, Secretariat, Hyderabad.
3. The Commissioner & Director of School Education, A.P., Hyderabad.'
4. The Regional Joint Director of School Education, Hyderabad.
5. The District Educational Officer, Hyderabad District.
6. Raja Bahadur Sir Bansilal Balika Vidyalaya (Recognized by Govt.of A.P.), Begam Bazar, Hyderabad, rep.by its Secretary.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction particularly one in the nature of writ of mandamus declaring that the proceedings issued by the Regional Joint Director of School

Education, Hyderabad in Rc.No.3895/A1/2003 dated 25.10.2003 rejecting her request for her absorption in the aided post of Hindi Pandit Gr.II in 6th respondent Vidyalaya are illegal, arbitrary, discriminatory, without application of mind and violative of Articles 14 and 16 of the Constitution of India.

Counsel for the Petitioner: MR.M.SRIKANTH

Counsel for the Respondents: GP for School Education

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.875 of 2004

ORDER:

Heard both sides.

At the request of both the counsel, the main Writ Petition itself is taken up for disposal.

The petitioner herein claims to be entitled for promotion. She filed the present Writ Petition *inter alia* seeking a writ of mandamus to declare the proceedings of the fourth respondent in Rc.No.3895/A1/2003 dated 25.10.2003 in rejecting her request for absorption in the aided post of Hindi Pandit Gr.II in sixth respondent's Vidyalaya on the ground that there is no vacancy, as illegal and arbitrary.

However, it is now pointed out that having regard to the promotion effected to one Smt.G.Bharathi Devi, there is clear vacancy and therefore, the petitioner's case can be considered on merits. In view of the same, I do not find any justification to go

into merits at this juncture.

Accordingly, the Writ Petition is disposed of, directing the respondents to consider the petitioner's case for her absorption in the aided post of Hindi Pandit Gr.II and pass appropriate orders in accordance with law.

-

_____

(B.PRAKASH RAO, J)

8th December 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Secretary, Government of A.P., Finance & Planning (FW.SMPC) Department, Secretariat, Hyderabad.

2. The Secretary to Government, School Education Department, Secretariat, Hyderabad.

3. The Commissioner & Director of School Education, A.P., Hyderabad.'

4. The Regional Joint Director of School Education, Hyderabad.

5. The District Educational Officer, Hyderabad District.

6. The Secretary, Raja Bahadur Sir Bansilal Balika Vidyalaya (Recognized by Govt.of A.P.), Begam Bazar, Hyderabad.

7. Two CD copies.